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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,827	07/07/2000	Mika Keski-Heikkila	2132-36PCON	6798

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 06/21/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/611,827

Applicant(s)

KESKI-HEIKKILA ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 6-9-04 have been fully considered but they are not persuasive:

1. The applicant argues that Beddoes does not teach the "cell identifying signal". The examiner disagrees since he broadly interprets Beddoes teachings of permanent cell ID's (ie. area code, zip code, etc.) as being transmitted by the BTS and received by the mobile which reads on the claim.

2. The applicant argues that multiple BTS's may be located within an area code or zip code. This may (or may not) be true – a small, rural area may have but one cell site. Secondly, BTS's are known to be given unique BTS ID's. Lastly, even if multiple BTS's are within an area/zip code, one skilled would uniquely number them (ie. for a 5 digit zip code, one skilled would number the BTS's as 19000-1, 19000-2, 19000-3, etc.). Hence permanent BTS's ID's are used.

3. The applicant argues that Vendetti does not remedy missing limitations. The examiner disagrees since Vendetti teaches a cell system with uniquely numbered zones (and or BTS's, if only one BTS in a cell) that uses a call processor/server. Again, the teachings of Beddoes' uniquely numbered BTS's is combined with Vendetti to read on the use of a permanent BTS ID.

4. The applicant argues that the prior art does not provide motivation for providing the recited permanent BTS ID designations. The examiner disagrees since the combined prior art teaches use of permanent BTS ID's that can be separate from a cell ID of a global cell ID of the BTS.

5. The previous rejection is shown below for informational purposes only.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10** rejected under 35 U.S.C. 103(a) as being unpatentable over Beddoes et al. EP-597638A1 and further in view of Vendetti et al. US 5,295,180 (hereafter Vendetti).

As per **claims 1 and 5**, Beddoes teaches radio telecommunication systems and methods (title and C1 to C2 gives an overview of cellular operations) transmitting from the base station (BTS), an information signal for receipt by the terminal equipment being served by said BTS, the signal comprising a permanent BTS ID that uniquely identifies the BTS independent of mobile communication network configuration changes (C2, L39-56 teaches the BTS ID can take any suitable form, ie. name of town/city, area code, post office code or other form. Hence, the examiner interprets town/city name, area/post codes as being "permanent" since they rarely change) **but is silent on** the subscriber profile can change based on the identity of the BTS serving the subscriber and creating, by a server including supervision software, a permanent BTS identity designation and assigning the permanent BTS identity designation to the BTS.

Changing, by the terminal equipment, the subscriber profile based on the permanent BTS ID designation received by the terminal equipment of the subscriber from the BTS (C4, L40-51 teaches the BTS ID is transmitted to the phone whereby it can receive and respond to the control signal, ie. can change it's profile based upon the received BTS ID).

The examiner puts forth that Beddoes, while not specifically disclosing a server, inherently requires the use of computer processors/servers in the MSC, BSC and BTS hardware that supports his invention. Vendetti teaches a cellular telephone zone

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system (title, abstract) that uses a call processor (eg. server) to control operations of the system and would provide control of the BTS to coordinate BTS ID's (figure 1, #17).

The examiner takes **Official Notice** that a subscriber profile can be changed based on the identity of the BTS currently serving the mobile terminal (this is inferred by Beddoes since the user (eg. subscriber profile) becomes aware of the applicable tariff rate that can be changed based on the user's roaming).

As per **claims 2 and 6**, Beddoes teaches claim 1/5 wherein the signal is transmitted from the BTS to the terminal equipment in a cell broadcast channel of the mobile network (C2, L39-49 teaches broadcast).

As per **claims 3-4 and 7-8 and 9-10**, Beddoes teaches a digital and/or GSM communications network (C2, L14-16) **but is silent on** the permanent BTS ID designation is separate from a cell ID of a global cell ID of the BTS.

Vendetti teaches zones disposed in a cell area that transmit a zone ID signal independent of the normal RF cell coverage (abstract and figure 2) which reads on the claim language.

It would have been obvious to one skilled in the art at the time of the invention to modify Beddoes, such that a permanent BTS ID is used that is separate from the cell ID of a global ID, to provide a second non-changing ID that will not be affected by network reconfigurations.

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**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
6-16-04



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